

RAILROADED BY METHOD NEVER KNOWN BEFORE

(Continued From First Page.)

with the paper adopted originally by the subcommittee, which worked for the proposition for six months. The provisions of the ordinance as recommended by the full committee, he said, are different in important respects.

"The subcommittee ordinance," proceeded Mr. Pollock, "more fully protects the interests of the city, and its people than does that prepared by the Richmond and Henrico Railway Company. It also safeguards to a degree the invested capital of the Virginia Railway and Power Company. Probably no member of the Common Council save those on the Committee on Streets has read the ordinance."

Mr. Mills agreed to the Pollock amendment, but Mr. Cease protested. He did not think the Council wanted to go back to the work of the subcommittee, or to have the City Attorney prepare a new ordinance after twelve months of work. He was ready to vote, and wanted the matter either adopted or turned down.

City Attorney Pollard was sent for, and after appearing in the chamber with Mayor Richards, he read the ordinance.

Giving Away Millions.

Mr. Mills also argued for his motion, saying that never before had he seen a called meeting act on a franchise when first presented from a committee. "Yet some members," he said, "are willing to give away privileges worth millions on a franchise which they have not even read. We owe some consideration to the people of this city. I have not determined on my own position, but if the house is forced to-night, I shall vote 'no.'"

Replying to repeated questions from Mr. Jones, Mr. Mills at last came out plainly and said that in his judgment the ordinance was being railroaded through the council.

The motion to table more fully meant delay, said Mr. Umlauf. He wanted the City Attorney to explain the situation at once. The old body, he pointed out, has but two months to serve.

Mr. Hirschberg protested against taking up the subcommittee report, but Acting President Pollard ruled that the Council had a right to print anything it wanted to.

Save Vote Not Controlled.

Mr. Hatfield assured the Council that the president of the Richmond and Henrico Railway had nothing whatever to do with his vote. He thought the men who signed the call for the meeting were not being treated properly, and that no delay should be had.

"If," he said, "after all the 'service talks' in the papers, and the letters that have been written, and the argument in citizens' meetings and in the newspapers, the members of the Council do not now know what the issue is, they ought to resign. But four men have asked me to vote against the ordinance, while in the business district where I am located the sentiment is unanimous in favor of it. Competition makes business. It is now time to show our nerve and act."

Mr. Seaton said Mr. Mills was present to help put the ordinance in proper shape if it needed change. He was willing to consider it all night, with the assistance of the city attorney, and then, if no conclusion had been reached, to come back.

But three paragraphs in the ordinance had been amended by the full committee, said Mr. Haddon. The remainder was as had been agreed upon between the companies. He thought the Committee on Streets had given the matter full consideration.

The First Vote.

The roll was called on the Mills motion to lay on the table until the next regular meeting, resulting as follows:

Ayes—Baskins, Boschen, Bowman, Brown, Ferguson, Fuller, Gill, Huber, Miller, Mills, Planer, Pollard, Pollock, Powers, John T. Vanderlee—15.

Noes—Blake, Burke, Butler, Cease, Haddon, Hirschberg, Hobson, Jones, Ramsden, Powell, Peters, C. R. Ruffin, Richards, Seaton, Selph, Sullivan, Umlauf, Weston, Wiltshire, Workman—20.

Absent—Bradley, Peters, Reade, Richardson, Rogers—5.

Clerk August then read the ordinance in full. The paragraphs contested in committee were pointed out, but no one offered comment thereon.

Stockholders Ask Hearing.

Acting President Pollard laid before the Council a request from a committee of local stockholders of the Virginia Railway and Power Company asking to be heard. Mr. Cease moved that they be given one hour, and Mr. Blake said they ought to have a hearing. Mr. Umlauf said the chamber was no place for such discussions. The chair ruled that no outsider could be heard without suspension of the rules. Mr. Cease then withdrew his motion, and the paragraphs contested in committee were pointed out, but no one offered comment thereon.

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BURK & COMPANY,

Main and Eighth Streets.

entire body being required to suspend the rules. The Pollock motion was also defeated, 22 to 14.

The ordinance was then laid before the Council. Mr. Powell thought the paper should contain the same discounts now extended by the old company, but it was pointed out that all the various schedules could not be reproduced. Mr. Powell stood by his color, insisting that somebody will be stung.

The final vote was taken, and the ordinance declared adopted. Mr. Pollock made his statement in casting his vote. There was much applause from the crowd which had thronged the chamber through the entire proceedings.

On motion of Mr. Mills, the rules were suspended and the money for music for the parties was appropriated.

Stockholders' Petition.

Following is the request made for a hearing by stockholders of the old company, which the Council refused to entertain:

Richmond, Va., June 21, 1912.

To the Council of the City of Richmond:

Gentlemen,—At a largely attended meeting of the local stockholders of the Virginia Railway and Power Company, representing more than \$4,250,000 of the stock of that company, held in Richmond to-day, certain resolutions were adopted bearing upon the franchise application of the Richmond and Henrico Railway Company now pending before your honorable body.

A committee was appointed to present said resolutions to your honorable body and to request a hearing upon the floor of the Council on behalf of the stockholders.

At the meeting of the Street Committee, at which this matter was considered, a representative of stockholders was present and desired to ask for a hearing, but the time was limited to one hour and a half to each side, which was entirely consumed by the counsel of the respective sides, and no opportunity given to the stockholders to be heard.

A letter subsequently addressed by a stockholder on behalf of certain of the larger stockholders, was presented to the Committee on Streets and read, but he was advised same was not considered.

The stockholders, representing more than 300 people of the city of Richmond, interested in stock of this company, feel that as citizens and taxpayers they are entitled to a hearing, and the undersigned have been appointed a subcommittee of the general committee to present the resolutions adopted and to also ask to be heard upon the floor of the Council upon this important matter.

We respectfully request that such an

opportunity be granted to us at such time. Very respectfully,

HENRY C. CABELL, JR.,
ANDREW H. CHRISTIAN, JR.,
H. SELDON TAYLOR,
GRANVILLE G. VALENTINE.

Local Capital Protest.

The resolutions of the stockholders were as follows:

Whereas the people of Richmond have applied to the Council of the City of Richmond for the franchise of the Richmond and Henrico Railway Company for a franchise to do a light and power business in the city of Richmond; and

Whereas the Virginia Railway and Power Company is now supplying adequate service to the entire city and section at rates which are admitted to be reasonable and as low, or lower, than other cities similarly situated; and

Whereas the people of Richmond have invested their money in the stock of the Virginia Railway and Power Company as a local enterprise, believing that so long as said company was managed with due regard to the best interests of the city and furnished the city an adequate service at reasonable rates, the city of Richmond would protect the company from unreasonable and unnecessary competition;

Resolved, That the economic law that such competition means in the end a burden upon the entire city and upon the capital invested in said enterprise; and

Whereas there is now held in the city of Richmond more than \$4,250,000 of stock of said Virginia Railway and Power Company, being more than 20 per cent of the entire capital stock of said company, which stock has been purchased by our people in the belief that the authorities of said city would afford reasonable protection to invested capital in said company; and

Whereas it is the sense of this meeting of the Richmond stockholders of said company that the stockholders should express their views upon the subject to the Council of the city of Richmond;

Now, therefore, be it resolved:

1. That it is the sense of this meeting of the Council of the city of Richmond that the franchise now pending before the Council of the city of Richmond should not be granted, and that no competitive franchise should be granted for public service in this city so long as the existing company furnishes an adequate service at reasonable rates.

2. That, in view of the fact that the present company has recognized and discharged its obligations to the public by furnishing a service unsuperseded in this country through payment of great financial difficulty, it is the duty of the city of Richmond and its constituted authorities to afford adequate protection to capital invested in the securities of said company and to refuse to grant a competitive franchise under the conditions indicated above.

3. That if any such franchise were granted the Council of the city of Richmond be earnestly requested to

include such provisions therein as will insure fair competition and protect the capital invested in this company.

4. That a committee of the stockholders of this company, consisting of the signers of these resolutions, be appointed to present these resolutions to the Council of the city of Richmond, and if, in their judgment it is also so to do, to ask an opportunity to be heard by said Council in opposition to the granting of said franchise.

ANDREW H. CHRISTIAN, JR.,
HELEN D. CHRISTIAN,
DOROTHY A. CHRISTIAN,
GEORGE P. CHRISTIAN,
MRS. ROBERT ARCHER,
J. J. BALLOU, JR.,
H. L. CABELL,
E. C. LEIGH, JR.,
JAS. T. GRAY,
THOMAS M. RUTHERFORD,
MARY DEW, JAMES,
JNO. S. ELLETT,
D. K. KELLLOGG,
TOLK MILLER,
E. T. KELLLOGG, JR.,
EUGENE C. BINGHAM,
B. ALBOP,
D. M. BLAIR,
C. F. W. MOSER,
EDWARD B. QUARLES,
JUD. B. WOOD,
S. L. DANCE,
LEWIS H. BLAIR, JR.,
WM. A. GRAHAM, JR.,
E. B. ADDISON,
DAVENPORT & CO.,
HARVEY WILLSON,
GRANVILLE G. VALENTINE,
BENJ. P. ALBOP,
J. THOMPSON BROWN,
LEWIS H. BLAIR, JR.,
W. O. KNIGHT,
L. L. LEWIS,
S. R. ROSE,
THOS. L. MOORE,
H. SELDON TAYLOR,
WM. H. RUCKLE,
L. M. WILLIAMS,
FRANK BRIZZOLARA,
H. M. OSTERLOH,
GEORGE FITZGERALD,
E. C. BERKLEY,
MANLY F. BOTTIGHIMER,
GEO. GIBSON,
ROBERT A. LANCASTER, JR.,
E. L. RODEN,
JNO. A. COLE,
L. F. BARNEZ,
BRANCH-CABELL & CO.

RECEIVERS APPOINTED

Insolvency of Alabama Consolidated Coal and Iron Company Alleged.

Trenton, N. J., June 21.—Chancellor Walker, in the Court of Chancery to-day appointed Harrison S. Matthews, of Birmingham, Ala.; Halsey W. Barrett, of Newark, N. J.; and Harry Coffin, of Harrison, N. J., as receivers for the Alabama Consolidated Coal and Iron Company.

The application for the appointment of receivers was made by the American and British Manufacturing Company, of New York, alleging insolvency. The Alabama Consolidated Coal and Iron Company has a capital stock of \$750,000.

The assets and liabilities of the company are stated in the petition for the appointment of receivers.

JULY WILL FIND UNCLE SAM BROKE

Washington, June 21.—On July 1 Uncle Sam will be "broke." The executive and judicial machinery of the government will not be able to operate without going into debt. This chaotic condition has resulted from an agreement of the House to adjourn next Monday until Thursday, June 27, and until Monday, July 1, to enable Democratic members who have no political business in Baltimore. Business cannot be transacted during the week.

A similar agreement was made in the Senate. No money was made available for operating the government after July 1, when the new fiscal year begins. The President vetoed the army bill and tied up the war office. The naval appropriation bill is with the Senate. Neither the legislative, judicial and executive supply bill for the sundry civil bill can become law until after Congress resumes business.

A resolution temporarily continuing existing appropriations will be passed early next month. Warning that unless Congress acts quickly, which there is no likelihood there will be no money for carrying on the navy after June 30 next. Acting Secretary Andrews to-day issued a general order directing officers and seamen to continue duties under existing orders, their pay and emoluments constituting a debt of the government. Civilian employees may only work voluntarily, depending on a specific appropriation for compensation, contracts will be made contingent on future appropriations.

WOMAN SHOTS MAN

Young Negro Opens Fire on Brother-in-Law After He Struck Her.

As the result of a family quarrel, Gertrude Harris, colored, nineteen years old, last night shot Charles Harris, her brother-in-law at their home, 1229 Moore Street. The bullet passed through the negro's mouth, cutting a small bit of the tongue, and passed out the back of his neck. While seriously injured, Dr. T. A. Moncreur, ambulance surgeon for the City Hospital, who rendered emergency treatment, expressed the belief that he would recover.

The woman was arrested by Officers Latham and Stockmar and taken to the Second Police Station, where she was charged with attempted murder.

According to her story she had been struck several vicious blows by Harris and had been knocked to the floor. Harris, she left the room and returned in a few moments with the revolver, with which she opened fire. The first and only bullet struck the man in the face.

BODY CUT ALMOST IN HALF.

Employee of Lumber Plant Near Meherrin Meets Fearful Death.

Meherrin, Va., June 21.—George E. Clark, a young man employed at the lumber plant of H. J. Winston, near here, was caught by the carriage of the mill this afternoon and thrown across the saw, which was running at full speed, and his body was almost cut in half. One of his lower limbs was severed from his body, and the foot from the other was also cut off. He died about half an hour after the accident and before medical attention could be given him. He was about twenty-one years of age, and resided with his father near here.

BATTLE WITH ROBBERS.

Two Citizens Wounded When Fifty Shots Are Exchanged.

Durant, Okla., June 21.—Scores of armed men from Bokchito, Durant and McAlester are scouring the country for bandits who robbed the First State Bank of Bokchito to-day and, in an hour's battle with citizens, probably fatally wounded Robert Kelly and seriously hurt Dudley Moreland. Hundreds of shots were exchanged.

McAlester, Okla., June 21.—The explosion of eight charges of dynamite used by five robbers to crack the safe of the First State Bank of Bokchito, Okla., near here, to-day aroused residents of the town. Hastily arming themselves, the citizens gave battle to the robbers. More than fifty shots were exchanged, but the bandits escaped with cash estimated at \$5,000. Two citizens were wounded.

JACK JOHNSON INDICTED.

Pugilist and Wife Accused of Smuggling Diamond Necklace.

Chicago, June 21.—Jack Johnson, champion heavyweight pugilist, and his wife, Etta Johnson, were indicted by the Federal grand jury to-day for smuggling a diamond necklace, bought abroad.

Several unsuccessful attempts were made by the pugilist to settle the case by the payment of part of the duty and penalty. The necklace is valued at \$5,000, and with the duty the amount due the government reaches \$6,000.

TO THE PUBLIC

In the bulletin published in yesterday's papers, the Richmond & Henrico Railway Company states that no effort has ever been made to sell out the property and franchises of that company to the Virginia Railway & Power Company and challenges a denial of the statement.

We have not regarded business negotiations as a proper subject for public discussion and, therefore, have not noticed the statements before the committee, but this challenge makes a statement of the facts necessary.

The present management of the Virginia Railway & Power Company knows nothing of what took place prior to January 1st, 1903, though we understand that some negotiations were carried on between the Fisher interests and those owning the Richmond & Henrico franchise for sale and purchase of the franchise.

Between January, 1903, when the present interests came into control of this property, and the reorganization of the properties on July 1st, 1909, Mr. Gould was approached in New York a number of times by brokers and others claiming to be authorized to sell the Richmond & Henrico franchise and solicited to buy the same. He declined to consider the proposition upon the ground that if he bought this franchise he would have to buy another in a very short time.

In 1910, just before the construction of the Richmond & Henrico Railway was begun, extended negotiations were carried on between Mr. Forbes, representing the Richmond & Henrico interests and Mr. Northrop and the other officers of this company. The negotiations were begun through the intervention of a mutual friend. A number of conferences were held with Mr. Forbes and a price was fixed by him, but the parties were finally unable to agree and the negotiations fell through. Since that date, and even within the last two weeks, Mr. Forbes has frequently stated to representatives of this company that the present controversy could have been avoided by our buying his property at the time that he offered the same and earnestly advised Mr. Northrop to do so and avoid the competition.

During the construction of the Richmond & Henrico Railway and since that time, different interests in this property have been approached on a number of occasions by persons claiming to be authorized to speak for the Richmond & Henrico interests with a view to negotiating a sale of the property to us. The price suggested has always been excessive and the suggestion has been declined.

Within the past two weeks, two of the representatives of this company have been separately approached by gentlemen of this city—one of them a member of the City Council asking for this special meeting, and the other formerly interested in the Henrico Company—to know if we would purchase this property. One of these gentlemen stated that he had talked with Mr. Forbes on the subject. The matter was discussed, but the price suggested was excessive and this company declined to consider it at that price.

It is nonsense to say that this property is not for sale. Every intelligent man realizes that one or the other company must buy the other out. The Richmond & Henrico people are not philanthropists. They are in the business to make money. If they can make money by selling out to the Virginia Railway & Power Company, they will do so. The Virginia Railway and Power Company realizes that if it pays a profit for this property it will have to buy somebody else out in a very short time. So long as franchises can be obtained and sold at a profit, the business can never be stopped.

The question at issue is solely one of price.

This latest bulletin of the Richmond & Henrico

Company also contains the intimation, if not the statement, that the present ordinance has been approved by the City Attorney. The opinion of the City Attorney submitted to the Street Committee thereon was as follows:

June 17, 1912.

Committee on Streets,

Richmond, Va.:

Gentlemen: I have had under consideration the proposed amendments to the electric light franchise (Richmond & Henrico Railway Company) now before the Committee, offered by Mr. Kelly at the last meeting. I have found great difficulty attached to some of the questions involved, but am of opinion as follows:

1. The blanket franchise proposed, surrendering all of the streets and alleys of the City of Richmond to the use and occupancy of the proposed company, will be, in my opinion, a valid franchise, although I have had very grave doubts on this point.

2. Subsection 2 of the proposed amendment is, in phraseology which, in my opinion, would enable the company to involve the City in litigation at every attempted exercise of the power intended to be reserved therein. It omits the provision for penalty and forfeiture upon failure or refusal to comply with this particular provision, and for these reasons it, in my opinion, not a satisfactory provision. The best form of franchise would undoubtedly require the naming of the streets and alleys desired to be occupied by the grantee. In the absence of naming the particular streets in the franchise, the interest of the City would be best served by naming successively particular portions of the territory of the city to be covered within a specified time.

I have prepared a substitute for Mr. Kelly's proposed (2) which would, in my opinion, reserve to the City the power sought to be reserved in that clause of the franchise. I think it necessary to add then even this substitute, if adopted, could be litigated by the grantee whenever an attempt was made to enforce it.

Very respectfully,

GEO. WAYNE ANDERSON,

Assistant City Attorney.

Would any business man or corporation enter into a contract for fifteen years if its general counsel stated that the contract was of doubtful validity, was not in the best form of contract, and that if adopted it "could be litigated by the grantee whenever an attempt was made to enforce it"?

Every business man knows that such an act would be folly. Why should the city do it?

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